



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PDV USA, INC,

Plaintiff,

- against -

INTERAMERICAN CONSULTING INC,

Defendant.  
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20-CV-3699 (JGK) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendant Interamerican Consulting, Inc.'s motion for reconsideration (Dkt. 168) of this Court's March 25, 2024 order (Dkt. 166) (the "Order"). The Order concerns documents produced by the Government, subject to terms of a protective order (the "Protective Order"), to Rivera's counsel in the criminal action in the Southern District of Florida (the "Rivera Documents"). The Order directs that by April 8, 2024, Interamerican produce to PDV "all non-privileged documents that (i) are responsive to PDV's document requests; (ii) have not already been produced, (iii) are in Interamerican's possession, custody, [or] control – including documents produced by the Government to Mr. Rivera in the criminal proceeding against Mr. Rivera, and (iv) consist of email, texts, or other electronic communications to which Mr. Rivera was an author or recipient in his capacity as an employee, officer, director, representative, or agent of Interamerican." (Dkt. 166 at 1.)

Although framed as a motion for reconsideration, Interamerican's motion requests "clarification" of two aspects of the Order: (1) "whether Interamerican must produce documents received by [Mr. Rivera's] counsel in the Criminal Proceeding or just [the five] documents that were shared with Mr. Rivera," and (2) whether the Order requires

Interamerican to produce “documents Mr. Rivera has received in the Criminal Proceeding which are subject to the Protective Order.” (Dkt. 168 at 6.) The Order is clear and requires no clarification. The scope of documents to be produced encompasses more than just the five documents Mr. Rivera’s counsel shared with Mr. Rivera, and Interamerican is required to produce documents subject to the Protective Order, so long as all four of the criteria for production set forth in the Order are met. The motion for reconsideration is therefore denied.

However, the Court understands from the parties’ submissions, and from reviewing the relevant dockets, that Plaintiff PDV USA, Inc. filed a miscellaneous civil action in the Southern District of Florida to obtain the Rivera Documents, 24-MC-20456, and on March 22, 2024, filed a second motion to compel in that action that encompasses the breadth of documents presently at issue here. The Court further understands that the Florida civil action has been transferred to the same judge handling the criminal action. Accordingly, in the interest of efficiency, judicial comity, avoidance of potentially inconsistent rulings, and the presence of interested parties (such as the Government), the March 25, 2024 Order is hereby held in abeyance pending determination of the motions PDV filed in the Southern District of Florida. Within five days of a decision on PDV’s motion by the Florida court, PDV shall notify this Court and file a copy of the decision.

For the foregoing reasons, Defendant’s motion for reconsideration is denied, and the Court’s March 25, 2024 Order is held in abeyance. The Clerk of Court is respectfully directed to terminate the motion at Dkt. 168.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 4, 2024  
New York, New York

Copies transmitted this date to all counsel of record.